

***United States Court of Appeals
for the Second Circuit***



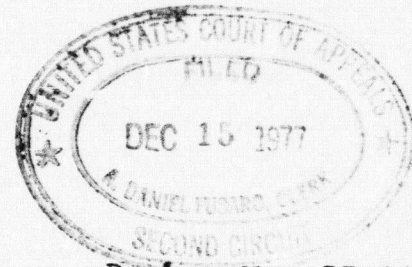
APPENDIX

77-1416

To be argued by
STEVEN LLOYD BARRETT

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X
: UNITED STATES OF AMERICA,
: Plaintiff-Appellee,
: -against-
: MICHAEL A. GIANNONE,
: Defendant-Appellant.
: -----X



Docket No. 77-1416

B
P/S

APPENDIX TO APPELLANT'S BRIEF

ON APPEAL FROM A JUDGMENT
OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

MARTIN ERDMANN, ESO.,
THE LEGAL AID SOCIETY,
Attorney for Appellant
FEDERAL DEFENDER SERVICES UNIT
509 United States Courthouse
Foley Square
New York, New York 10007
(212) 732-2971

STEVEN LLOYD BARRETT,
Of Counsel.

PAGINATION AS IN ORIGINAL COPY

CKET - U.S. District Court

GE/MAGISTRATE, Assg

U S

76CR 700

Case Filed
Mo. Day

11 19

of Def's

2

BRAMWELL

76

730

U.S. MAG.
CASE NO

BAIL - F

AMT
Denied Set

\$100,000

Date 11-12-76

Bail Not Made

Status Changed
(See Docket)

SENT

3/11

On A

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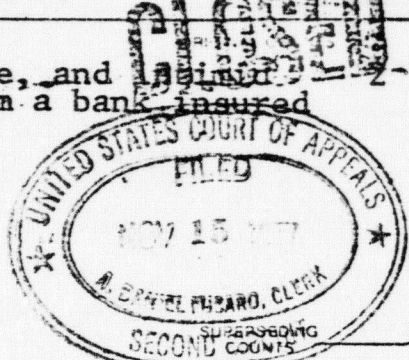
Dismissed

On Govern'ts Motion

T-18,2113(a)

Did by force, violence, and
ation, take money from a bank insured
by the F.D.I.C.

OFFENSES CHARGED



KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL
U.S. Custody Began	High Risk Date	11/24/76	Trial Set For
Summons Served	Information	11-19-76	2/14/77
First Appearance	Indict. Waived	1st Plea	Voir Dire
11-12-76	In Charging District	Final Plea	Trial Began
	Superseding	1/20/77	Trial Ended
	Indict/Info		

cts 1 & 2

MAGISTRATE

DATE	INITIAL/NO	INITIAL APPEARANCE DATE	INITIAL/NO	OUTCOME:
11-12-76	ASC/07E	11-12-76		DISMISS
				HELD FOR GJ OR OTHER PR
				CEEDING IN THIS DISTRICT
				HELD FOR GJ OR OTHER PR
				CEEDING IN DISTRICT BELOW

Bank Robbery. T-18 U.S.C. Section 2113(a)(d).

U.S. Attorney or Asst.

ATTORNEYS

Defense CJA Ret Waived Spt None Other PD CO

will get own.

J. Kay

Show last names and suffix numbers of other defendants on same indictment/information:

GEORGE O'CONNOR 2.

DATE	DOCUMENT NO.	PROCEEDINGS
11-19-76		Indictment filed - See 76 Cr
11-19-76		Before Catoggio, V. - Indictment filed.
11/24/76		Before BRAMWELL, J. - Case called. Deft & Counsel present. Deft waives reading of indictment and enters a plea of not guilty. Dec. 20, 1976 for motions. Case adjd to 1/17/77 for all purposes and case adjd to 2/14/77 for trial. Bail continued.
12-29-76		Notice of Motion for an Order reducing the bail filed and forwarded to Chambers.
1-10-77		Notice of Motion for an order reducing the bail returnable January 14, 1977 filed and forwarded to Chambers.
1-14-77		Before Bramwell, J.- Case Called. Motion for Reduction of Bail - Motion argued and denied. Settle order on Notice.
1-17-77		Before Bramwell, J.- Case Called. Deft. present without Counsel.
1/20/77		Case adjd. to 1-20-77 at 10:00 A.M. Before BRAMWELL, J- Case called. Deft & Counsel present. Deft withdraws his plea of not guilty and having been advised

[illegible]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

76 CR 730

----- X
UNITED STATES OF AMERICA

I N D I C T M E N T

-against-

Cr. No. _____
(T.18, U.S.C., §2113(a))

MICHAEL A. GIANNONE and
GEORGE O'CONNOR,

Defendants.
----- X

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.

THE GRAND JURY CHARGES:

★ NOV 19 1976 ★

TIME A.M. _____
P.M. _____

COUNT 1

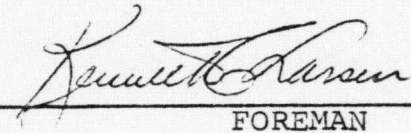
On or about the 10th day of August 1976, within the Eastern District of New York, the defendants MICHAEL A. GIANNONE and GEORGE O'CONNOR knowingly and wilfully, by force, violence, and intimidation, did take from the person and presence of employees of the Citibank, 60-10 Queens Boulevard, Queens, New York approximately Four Thousand Sixty One Dollars (\$4061.00), in United States currency, which money was in the care, custody, control, management and possession of the said Citibank the deposits of which bank were then and there insured by the Federal Deposit Insurance Corporation. (Title 18, United States Code, §2113(a)).

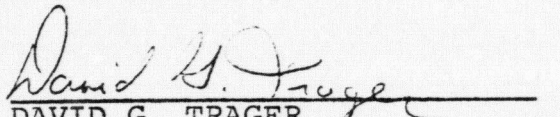
COUNT 2

On or about the 3rd day of November, 1976, within the Eastern District of New York, the defendants MICHAEL A. GIANNONE and GEORGE O'CONNOR knowingly and wilfully, by force, violence, and intimidation, did take from the person and presence of employees of the European American Bank, 35-01 Northern Blvd., Queens, New York approximately Four Thousand Five Hundred Dollars (\$4500.00), in United States currency, which money was in the care, custody, control,

management and possession of the said European American Bank the deposits of which bank were then and there insured by the Federal Deposit Insurance Corporation. (Title 18, United States Code, §2113(a)).

A TRUE BILL


FOREMAN


DAVID G. TRAGER
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
4

5 -----x
6 UNITED STATES OF AMERICA, :
7 -against- :
8 MICHAEL A. GIANNONE, :
9 Defendant. :
10 -----x

76-CR-484

11 United States Courthouse
12 Brooklyn, New York

13 March 11, 1977
14 10:00 o'clock A.M.

15
16 B e f o r e :

17 HONORABLE HENRY BRAMWELL, U.S.D.J.
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24 HENRY DE GENDRE
25 ACTING OFFICIAL COURT REPORTER

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Appearances:

DAVID G. TRAGER, ESQ.
United States Attorney
for the Eastern District of New York

BY: JEFFREY KAY, ESQ.
Assistant U.S. Attorney

SEYMOUR DETSKY, ESQ.
Attorney for the Defendant.

1 THE CLERK: United States of America versus
2 Michael Giannone for sentence.

3 THE COURT: Counsel, is there any legal reason
4 why this defendant should not be sentenced at this
5 time?

6 MR. DETSKY: No, sir.

7 THE COURT: Mr. Giannone, is there any reason
8 you should not be sentenced at this time?

9 DEFENDANT GIANNONE: No, your Honor, there is
10 not.

11 THE COURT: I'll hear the attorney.

12 MR. DETSKY: If your Honor please, when I was
13 first retained in this matter and had the opportunity
14 to speak with Michael Giannone I realized for the first
15 time that all of his difficulties arose out of a severe
16 heroin addiction, and a severe drug habit which he was
17 unable to rid himself of, even though his parents tried
18 very hard for him to do so.

19 He had been enrolled at Daytop Village. He had
20 been enrolled at Morris Bernstein Institute in New York.
21 They took him to a private physician all in an effort to
22 be of assistance. He would drop the habit for a while
23 and meet an old crony and for a while be back on the
24 habit again. It has been the curse for this man and a
25 curse for his family. Everyone else who I spoke to said

1 that Mr. Giannone is a man who is good in life. He
2 has been known to be a man of integrity and honesty.
3 I've had people who told me they would give him employ-
4 ment if he's released. They told me they trust him
5 implicitly. He's always been honest with his employers
6 in the past. He's been unable to keep a job because
7 this heroin addiction has kept him down.

8 His father and mother told me how much they love
9 this man and how much they would do anything for him.
10 They have asked to ask you -- that they are aware of
11 what heroin has done to this boy -- they have asked me
12 to ask you, sir, to recommend him to Lexington Facility
13 for treatment and to be as lenient to him as you would
14 your own son. Knowing this boy is the boy they love
15 and cherish and there is nothing in the world they would
16 not do for him, but there is also another basic problem,
17 if your Honor please, because the father blames himself
18 also for the position which his son is in. While his
19 son was in his tender teenage years he got himself
20 involved in a criminal matter where he tried to get
21 back money from a person who borrowed it from him. His
22 father is a working man and he needed money badly and
23 he wanted to get the money for his home and wanted to
24 do something with the home and the man wouldn't pay it
25 back to him, so he threatened the man and because of

1 that he was brought into Court and he sentenced to a
2 year for coercion, trying to get money by coercion,
3 even though the money was his. When he went to jail
4 for a year his young boy became quite out of control
5 and his wife came to visit him and told him she could
6 no longer control Michael.

7 THE COURT: This happens in many cases. I get
8 letters from fathers that I have sentenced and their
9 sons turn to addiction and to different things. This
10 happens. This is not unusual.

11 MR. DETSKY: His son remembers the day he was
12 taken out of his house in handcuffs, and he said he was
13 thoroughly ashamed to be seen in the street and the
14 other kids teased him. He dropped out of school. He
15 was ashamed to go back to school. This was a close knit
16 Italian neighborhood --

17 THE COURT: This is what life is all about.
18 Generally a boy will take the father image and if a boy
19 looks up to his father and if his father doesn't give
20 him the proper image that boy is usually destroyed.
21 This is what life is all about. It's not unusual that
22 this be so. This is what happens with most boys. If
23 that father does not give them the proper image that
24 child can be destroyed.

25 MR. DETSKY: So all this I have been asked to

1 bring to your attention.

2 We now know we have here a human being who has
3 been destroyed and we don't want to have him further
4 destroyed, so we are asking your Honor, please, in light
5 of all the facts presented to your Honor, to confine
6 Michael to a medical facility where he could receive
7 treatment and where he could be given --

8 THE COURT: My recommendation to the Bureau of
9 Prisons will be that he receive treatment for drug
10 addiction, but I'm not going to say that I am going to
11 say that I will make any recommendations to any special
12 institution. I'll commit the defendant to the custody
13 of the Attorney General but I will recommend that he
14 receive treatment because this man does need it.

15 MR. DETSKY: Your Honor, I was told when I made
16 a call about how he gets hospital treatment --

17 THE COURT: I might say this to you. Within the
18 last month I've had a dozen bank robbers which this man
19 is one of them, and they are all drug addicts. I',
20 telling you now even on the sentence, the request was
21 as to each one of them that I send them to Lexington.
22 It gets to a point where it has no real value because as
23 far as I'm concerned I'll make the recommendation. I'm
24 telling you I have a dozen of them, they're all over in
25 M.C.C. I have had a dozen within the last month and

1 most of them have pleaded just as this man has.

2 MR. DETSKY: As a matter of fact, your Honor,
3 the day he was arrested the report will show he was
4 begging for another heroin shot and went into complete
5 withdrawal in the FBI Headquarters. Then they brought
6 him down to the Metropolitan Correctional Center where
7 he went through another series of shock and withdrawal.

8 THE COURT: He needs treatment.

9 MR. DETSKY: And it was a severe thing and a
10 troubled thing to watch. They told me they finally had
11 to take him out on a Sunday and take him to a hospital
12 for treatment because of the severity of his condition.

13 THE COURT: Well, the M.C.C. has a hospital right
14 within the facility itself.

15 MR. DETSKY: Apparently they didn't have a
16 doctor on hand.

17 THE COURT: There is a hospital right there
18 with rooms and everything. They have individual rooms
19 in the M.C.C. for hospital purposes.

20 MR. DETSKY: He was hospitalized that very
21 night for his present condition; so, if your Honor
22 please, in knowing about the background of this man;
23 knowing how he has already been destroyed; knowing
24 that we have a human being that can be rehabilitated,
25 who can be given the proper motivation, who is willing

1 to shed the habit, he needs the psychological motiva-
2 tion and the emotional support that a hospital can give
3 him and treatment can give him, I urge that your Honor
4 be lenient with him, giving him this chance at rehabili-
5 tation, the chance to rejoin society once again after
6 he has received medical treatment which is so necessary.

7 THE COURT: Thank you, counselor.

8 What would you like to tell the Court?

9 DEFENDANT GIANNONE: I realize I was wrong in
10 what I did, robbing the banks. I robbed them for one
11 reason just to support my habit, tried to get by, and
12 it's time to come to pay and I just hope that I can get
13 some treatment and go back into the street the same
14 way I came in. If I pursue it I know that I could do
15 well at it because you have to be really involved in it
16 and get in a situation before you really appreciate
17 things that are out there for you, without just the
18 negative part of life. I'm hoping that I get a chance
19 to do that, and I think I should be okay.

20 THE COURT: Anything else you would like to say?

21 DEFENDANT GIANNONE: No, sir.

22 THE COURT: Anything else, Mr. Detsky?

23 MR. DETSKY: No, sir.

24 THE COURT: All right. This Court has taken
25 into consideration the fact that this defendant pled

1 guilty between August and September 1976. This
2 defendant, together with a co-defendant, robbed eight
3 banks of \$36,600, none of which has been recovered.
4 The defendant has four prior convictions and these
5 offenses were related to his drug addiction.

6 The Court has received a letter from Alfred
7 Giannone, the father of the defendant, which the Court
8 has read and considered together with a letter from
9 Excelo American Industries; and a letter from Frank J.
10 Persona, of Manhattan.

11 As to Count 1, it is adjudged that the defendant
12 is hereby committed to the custody of the Attorney
13 General or his authorized representative for imprison-
14 ment for a term of ten years.

15 As to Count 2, it is adjudged that the defendant
16 is committed to the Attorney General or his duly
17 authorized representative for a term of imprisonment
18 for a period of ten years. The sentence imposed in
19 Count 2 is to run concurrent with the sentence imposed
20 in Count 1.

21 The Court will recommend to the Bureau of Prisons
22 that this defendant receive treatment for drug addiction.

23 MR. DETSKY: If your Honor please, at this time
24 may I ask you to reconsider. This young man is now 27
25 years old, realizing that his life has already been

1 destroyed and harmed --

2 THE COURT: If I'm going to reconsider and just
3 put him right out on the street the problem that he has
4 will continue. Nothing will be done by me just putting
5 this man on the street.

6 MR. DETSKY: I'm asking your Honor, please, that
7 you do the following. Bearing in mind the young age of
8 the defendant, the fact that everything he has done
9 has been related to drug addiction; the fact that the
10 purposes of the sentence is what we always have felt
11 rehabilitative in nature as well as punitive in nature.
12 The point is if this man can kick the drug habit --

13 THE COURT: Let's see what happens. You say if
14 he can kick it. All that you are telling me is
15 suppositions, what he's about to do. I can't use that
16 as a basis for saying, "Well, this is what we should do."

17 MR. DETSKY: I'm asking simply that instead of
18 a ten year sentence --

19 THE COURT: I'll tell you this. Most of those
20 bank robbers I have are black and if you come in here
21 you'll see that just about everyone will get the same
22 type of sentence. I'm telling you so you know what's
23 going on.

24 MR. DETSKY: I'm not criticizing you for that.

25 THE COURT: I'm telling you what's happening; and

1 all of them are addicts, just put all of these men on
2 the street.

3 MR. DETSKY: I'm asking if your Honor would
4 make the term from a certain year --

5 THE COURT: You tell me what you want to do.
6 You want me to reduce it to five years?

7 MR. DETSKY: Yes, sir.

8 THE COURT: Denied.

9 MR. DETSKY: Then I'm asking that you make it --
10 I'm asking you to set a minimum limit as well as --

11 THE COURT: That's the sentence, and that's it.

12 MR. DETSKY: I don't mean to aggravate your
13 Honor.

14 THE COURT: You go right ahead, you talk as long
15 as you want, but I'm not going to change it because
16 they're all coming through. They have all done the
17 same thing and they're all entitled to the same sentence
18 and I'm not going to change it. You don't have to go,
19 stay right there and talk as long as you want.

20 MR. DETSKY: Now, if your Honor please, I'm aware
21 of what you have just stated to me and I'm aware that
22 you have a series of cases involving bank robbers.

23 THE COURT: I have a lot of them, and I'm going
24 to be sentencing them within the next month or month
25 and a half.

1 MR. DETSKY: But I'm asking your Honor to share
2 with me a concern for the youthfulness of this boy.
3

4 THE COURT: I'm concerned for everyone of them,
5 if disparity is your problem. If disparity is your
6 problem it's going to be solved with all of them getting
7 a bout the same sentence.

8 MR. DETSKY: The fact remains, if your Honor
9 please, that the whole purpose of the sentencing pro-
10 cedure has lost meaning if uniformity is the only key
11 that we use in that matter.

12 THE COURT: Uniformity? For the record I've
13 considered this man as an individual. I've considered
14 this man as an individual in connection with this
15 sentence, and that's the way this sentence was given to
16 this individual.

17 MR. DETSKY: All right, if your Honor please,
18 I'm only going to ask that you only reconsider again
19 with a view to reviewing the sentence.

20 THE COURT: Counsel, you know this sentence was
21 given to this individual because of what he did, the
22 severity of what he did, and what he did is a problem
23 in connection with the crime which is before the Court.

24 MR. DETSKY: Well, all right, if your Honor
25 please, I had thought after you read the father's letter
and realized how much the boy had been destroyed in his

1 teens that you would recognize that even as a Judge to
2 weigh and balance these --

3 THE COURT: I weighed and I balanced and I looked
4 at this particular sentence as to this individual and
5 that was the basis of this particular sentence which I
6 gave to him. I weighed and I balanced what the father
7 said and what his mistakes were which created this
8 problem. I weighed and I balanced those things, and
9 that is the sentence I will give for this particular
10 defendant.

11 MR. DETSKY: That means taking ten years out of
12 his life; ten years out of the life of a young man.

13 THE COURT: He won't stay there the entire the
14 years. There will be something offered, given to him
15 by the Bureau of Prisons, what it is, I don't know;
16 something will be given off of that ten years.

17 MR. DETSKY: All right, if your Honor please. I
18 just asked you to at least cut it in half.

19 THE COURT: I'm not going to cut it in half
20 under any circumstances.

21 MR. DETSKY: What can I say. I've been here
22 trying to give you my plea and give you my words. I
23 noted you first told me it was a matter how you felt
24 uniformly in your matter, now you say you treat him as
25 an individual; fine, but in my humble opinion when a

1 man is before your Honor in this manner and where his
2 basic crime has been heroin addiction or cocaine
3 addiction.

4 THE COURT: If I just give him a couple of years
5 and he goes out -- I had a sentence in front of me, the
6 fellow had six months and he's back, he's a heroin
7 addict. Now, we have an additional problem.

8 MR. DETSKY: I am not asking for six months.

9 THE COURT: I know you are not. I'm saying if
10 that short term is given the man hasn't rehabilitated
11 himself in any respect and he goes back on the street,
12 there is an additional problem and that can happen in
13 any case, and my conception of this individual and this
14 particular sentence, that's what I sentenced him on,
15 this particular case.

16 MR. DETSKY: All right, your Honor, I have
17 nothing further to say.

18 THE COURT: Thank you.

19 MR. KAY: The Government has nothing to say,
20 your Honor.

21 (Whereupon Court stood in recess in this matter
22 for the day.)
23
24
25

* * *

DRUG ABUSE UNIT
UNITED STATES PENITENTIARY
TERRE HAUTE, INDIANA

- I. AGE RANGE/SEX: 25 and older. Males only.
- II. STAFFING: Program manager, staff psychologist, caseworker, three correctional counselors, and a social services assistant.
- III. CAPACITY: 100 In-residents. 25 Out-residents.
- IV. TREATMENT PROCESS:
 - A. Criteria for Admission:
 1. History of narcotic addiction, or chemical abuse.
 2. Within eighteen to twenty-four months of probable release.
 3. Must sign contract to abide by existing normative system and commitment to treatment.
 - B. Intake and Orientation Program:
 1. Potential program participants are selected from a waiting list, evaluated, and if acceptable, are assigned to out-resident program. Activities during this one to three-month period includes; problem identification, personal assessment to alter behaviors, basic value clarification, and program orientation. Residents are then moved into level one of the therapeutic community on a space available basis, for a thirty-day study and observation period. They are reclassified and sign contractual agreements at this time.
 - C. Basic Treatment Approach:

Therapeutic Community two level. Members advance to a semi-democratic housing unit following completion of basic instruction of Transactional Analysis, notable progress on behavioral goals, and demonstrated mature responsibility on first level of the program. Every resident is required to participate in a daily group, two evening groups per week, and monthly Marathon Therapy groups. In addition, every resident is strongly encouraged to participate in a weekly on-going therapy group. The overall goal of the program is to develop internal self-support systems. Each resident is expected to complete G.E.D. requirements, acquire VT or OJT courses if he has none. College classes are encouraged.

D. Techniques and Procedures:

The techniques and procedures used to facilitate change in residents in the Therapeutic Community are conducted by responsible residents, staff, and outside contract consultants, and are designed to meet a variety of needs.

1. Anysis Game: The Anysis Game gives license for verbal confrontation and attack on self-defeating behaviors. The "Game" is designed to break down well-armored defenses and allow a person to be receptive to pertinent information and human contact.
2. Experimental Laboratories: The experimental laboratory is a structured exercise focusing on specific group dynamics which enable the participant to witness his role in social groups. This experience is designed to focus on the "here and now" approach and provides the participant with insight into his adjustment in other social groups.
3. Treatment Groups: The treatment group is an intense contract psychotherapy group. The treatment group is usually conducted by staff psychologist or outside consultants. It is designed to work with residents in a group setting on concerns which need psychological protection not afforded in other groups.
4. Marathons: Marathons are group sessions which are held monthly, and allow residents to experience themselves and each other in groups lasting from eight to twenty-four hours in length. These groups may be facilitated by outside consultants or by therapeutic community staff members.
5. Special Games: The special game is an off-shoot of the Synanon game and is designed as a disciplinary measure for those community members who have displayed behaviors not conducive to the total therapeutic community. This experience allows for the individual to receive information which might facilitate his therapeutic growth. It also enables community members to express their feelings toward the individual in question.
6. Individual Counseling Sessions: Individual counseling sessions are designed to specifically attend to problems which are not discussed in group. Individual counseling sessions are used sparingly and the eventual goal of an individual counseling session is to work toward disclosure of personal information in the group setting.

7. Consultation Groups: Consultation Groups are those groups which do not fall under the headings mentioned above. They may include such things as pre-release oriented group discussions, didactic information dissemination, or vocational information groups. These groups are designed primarily to facilitate the adjustment to the community at large.
8. Training Institute: The Anysis Training Institute is a forty-hour experiential workshop, offered quarterly, designed to give an Introduction to Transactional Analysis and concepts of the Therapeutic Community. It is composed of approximately fifteen outsiders and five residents selected by staff. The experience is therapeutic in that it negates, to some extent, the inmate code, gives residents the opportunity for intense interaction with others, and also gives residents the opportunity to exercise newly acquired social skills.
9. Family Management Institute: This is a one-day workshop for wives and husbands to strengthen their marriage. Program psychologist and a consultant (female) work with the couples to open lines of communication, develop trust, and establish contracts between each other that enhances marriage relationship.

A resident council is maintained to insure the orderly day-to-day functioning of the unit. Positions established are: Chief Coordinator, Program Coordinator, and Service Coordinator. Their responsibilities include all functions not associated directly with case management, security, or liaison with the administration. In order to insure that covert negative contracts are not formed it is necessary, and even desirable, to appoint a new Chief Coordinator periodically. The selection is always at the discretion of the Program Manager and may be for any number of reasons.

- E. Pre-Release: The movement of residents through the program takes approximately eighteen months. During this time they attend special workshops presented periodically by CPO's, VA Counselors, and industry personnel officers. At the end of their stay, they are transferred to the Farm Camp to participate in the institutional pre-release DAP satellite. While there, they participate in the institutional pre-release program in addition to regular groups, focusing on role-play, and discussion sessions.

V. CONSULTANTS:

Various consultants are used from the areas of Transactional Analysis, Gestalt, Psychodrama, and Adlerian Psychology.

VI. STAFF TRAINING PROGRAM:

Staff training is guided by a Master Plan developed each June for the coming fiscal year. At that time, all staff convene for a meeting to determine what each others needs and deficiencies are, and how best to meet that need or correct the deficiency. A training plan is then devised for each person to follow during the fiscal year. Resources used are: University classes, on-site training by consultants, workshops and seminars around the mid-west, and conferences.

CERTIFICATE OF SERVICE

December 15, 1977

I hereby certify that a copy of this brief and appendix has been mailed to the United States Attorney for the Eastern District of New York.

Stanley L. Barnett